

EXHIBIT J

Declaration of Stephanie McGee Azar, Commissioner of the Alabama Medicaid Agency

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

THE STATE OF TENNESSEE, et al.,

Plaintiffs,

v.

Case No. 1:24-cv-161-LG-BWR

XAVIER BECERRA, in his official capacity
as Secretary of the United States Department
of Health and Human Services, et al.,

Defendants.

DECLARATION OF STEPHANIE MCGEE AZAR

Pursuant to 28 U.S.C. § 1746, I, Stephanie McGee Azar, duly affirm under penalty of perjury as follows:

1. I am over 18 years of age, have personal knowledge of the matters set forth herein, and am competent to make this Declaration.

2. I serve as the Commissioner of the Alabama Medicaid Agency ("Alabama Medicaid").

3. As Commissioner, I am responsible for the management of Alabama Medicaid. These responsibilities include ensuring Alabama Medicaid is compliant with state and federal anti-discrimination laws. In this role, I oversee the teams that review and evaluate rules and regulations promulgated by federal agencies, including the U.S. Department of Health and Human Services ("HHS"), to determine whether they affect Alabama Medicaid. And where there is an effect on Alabama Medicaid, either because Alabama Medicaid does not have a policy required by the regulation or has a conflicting policy—I am ultimately responsible for executing a plan for

bringing Alabama Medicaid into compliance.

4. Alabama Medicaid's mission is to provide a system of financing health care for eligible Alabamians in accordance with established statutes and Executive Orders. Alabama Medicaid currently serves approximately 1.2 million Alabamians annually, including low-income individuals, pregnant women, children, caretaker relatives of young children, as well as the elderly and disabled individuals.

5. As of March 2024, of the approximately 1.18 million recipients, approximately 630,000 were children under age 19 and 549,000 were age 19 and over.

6. Alabama Medicaid received approximately \$7.02 billion in total federal funding in State Fiscal Year 2023. Alabama Medicaid estimates that the federal share expended for the program will be even greater in State Fiscal Year 2024.

7. HHS funding is used to pay a portion of Alabama Medicaid's administrative costs, including employees' salaries and benefits.

8. Alabama Medicaid does not provide coverage for sex-transition surgeries.

9. HHS has promulgated new regulations interpreting Section 1557 of the Affordable Care Act's prohibition on discrimination "on the basis of sex" to include "gender identity" and other "sex characteristics." Nondiscrimination in Health Programs and Activities, 89 Fed. Reg. 37,522 (May 6, 2024) ("2024 Rule").

10. If the 2024 Rule requires state Medicaid programs to cover sex-transition surgeries, Alabama would experience an immediate increase in state and federal expenditures.

Date: 6/13/24


STEPHANIE MCGEE AZAR
Commissioner